

## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

**110. GENERAL BUSINESS REGULATIONS**

**111. PRECIOUS METAL DEALERS**



## CHAPTER 110: GENERAL BUSINESS REGULATIONS

### Section

- 110.01 Regulations for cable TV rates
- 110.02 Permit required for solicitation

### **§ 110.01 REGULATIONS FOR CABLE TV RATES.**

(A) All regulations promulgated by the Federal Communications Commission, as they relate to the regulation of cable television rates, are hereby adopted by reference in this section.

(B) The County Commissioners are hereby authorized to appoint a hearing officer whose duty it shall be to conduct and hold public hearings on local cable rate regulations, to report his or her findings to the County Commissioners and make recommendations to the County Commissioners concerning basic cable regulation.

(C) The hearing officer shall conduct the public cable rate hearings on all cable rate regulation hearings in accordance with the rules and regulations issued and promulgated by the Federal Communications Commission found at 47 CFR 76.

(D) All regulation cable rates by the county shall be undertaken in accordance with and following the rate regulations promulgated by the Federal Communications Commission.  
(BC Ord. 1994-12, passed 6-27-94)

### **§ 110.02 PERMIT REQUIRED FOR SOLICITATION.**

(A) Any and all individuals, entities, and/or organizations of any type who wish to solicit in any

manner on or about any street or intersection of streets must first obtain a permit to be issued by the County Commissioners.

(B) An application for such permit must be filed with the County Commissioners Office no less than 30 days prior to the proposed solicitation date.

(C) A public hearing with regard to the application shall take place at the next regular session of the Board of County Commissioners or special session if so called by the Commissioners.

(D) If the application is granted, a permit designating the specific time, place and manner of the solicitations must be carried at all solicitation times on the person of the individuals performing the solicitations.

(E) Each violation of this section may be punished by a fine not exceeding \$2,500 per violation.  
(BC Ord. 1999-9, passed 9-13-99)



## CHAPTER 111: PRECIOUS METALS DEALERS

### Section

- 111.01 Definitions
- 111.02 License required; fees
- 111.03 License application requirements
- 111.04 Bond required
- 111.05 Purchasing regulations
- 111.06 Reporting requirements
- 111.07 Resale of articles purchased
  
- 111.99 Penalty

### § 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEALER.** Any person who is engaged in the business of purchasing or offering, by advertisement or otherwise, to buy goods as part of their business enterprise.

**ITINERANT DEALER.** Any dealer as defined herein who has engaged or intends to engage in a temporary or transient business for profit conducted from a shop, room, hotel or motel room, or other premises for a time period of less than one year.

**RESIDENT DEALER.** Any dealer as defined herein who has engaged or intends to engage in a permanent business for profit conducted from a fixed location in the county, for a period of time of one year or more.

**SECONDHAND PRECIOUS METALS AND GEMS.** Any article, item, or goods, including coins, composed in whole or in part of gold, silver, platinum, diamonds, or other precious stones or metals, and which was previously used by any person for its manufactured purpose.  
(BC Ord. 2012-16, passed 4-9-12)

### § 111.02 LICENSE REQUIRED; FEES.

(A) No person shall act as a secondhand precious metal and gem dealer without first obtaining a license therefor, as provided within this chapter.

(B) There shall be an annual license fee of \$50 imposed upon resident dealers. Licenses for resident dealers will be dated as of January 1 and will expire on December 31 of each year. Fees for licenses for resident dealers issued after January 1 shall be prorated quarterly.

(C) There shall be a daily license fee of \$50 on the first day and \$25 per day thereafter imposed on itinerant dealers, up to a maximum annual fee of \$2,500.  
(BC Ord. 2012-16, passed 4-9-12)

### § 111.03 LICENSE APPLICATION REQUIREMENTS.

(A) A completed application form shall be submitted to the Sheriff's Department by the applicant at least five days prior to the issuance of the license.

(B) Each applicant for a license shall submit the following information on the application form:

(1) The name of the applicant, including any previous names or aliases;

(2) The name, local address, principal business address, physical description, and recent photograph of the individual who is applying for a license on behalf of the applicant, if the applicant is not an individual;

(3) The local business address and principal business address of the applicant;

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(4) If the applicant is a partnership, the names and addresses of the partners;

(5) If the applicant is a corporation, limited liability company, other recognized business entity recognized under the laws of the state or any other state or unincorporated association, the names and addresses of the Board of Directors, members, the registered agent and the principal officers;

(6) If the applicant is an individual, the applicant shall provide a recent photograph, a physical description, and a statement as to whether the applicant has been convicted of a crime, and if so, the nature of the offense and the punishment assessed therefor;

(7) The applicant, or the applicant's representative if the applicant is not an individual, shall allow himself to be fingerprinted and such fingerprints shall be made a part of the application. Failure to cooperate in the fingerprint procedure shall be cause for denial of the license;

(8) If the applicant has, within the last 18 months, as an owner, operator, partner, agent, or employee, been engaged in the purchase of precious metals or gems, the applicant shall provide the name and address of the entity with which he was associated. If the entity with which the applicant was associated conducted business in more than one location, the applicant shall provide the addresses of these locations.

(C) If the applicant fails or refuses to provide information required in the application form, the failure or refusal shall be sufficient cause to deny the license.

(BC Ord. 2012-16, passed 4-9-12)

### **§ 111.04 BOND REQUIRED.**

(A) No person shall be issued a license under this chapter, until such person has provided a bond payable to Warrick County in the amount of \$1,000.

(B) Resident dealers may post a surety bond payable to Warrick County in the amount of \$1,000.

(C) Nonresident dealers and itinerant dealers shall provide a cash bond of \$1,000 payable to Warrick County.

(BC Ord. 2012-16, passed 4-9-12)

### **§ 111.05 PURCHASING REGULATIONS.**

(A) A secondhand precious metal and gem dealer shall not buy goods from a minor (person under 18 years of age) without the written consent of a parent or guardian.

(B) A secondhand precious metal and gem dealer shall require picture identification from the seller prior to making payment to the seller. A state driver's license, state-issued I.D., United States passport or United States passport card shall be required.

(C) The secondhand precious metal and gem dealer shall, at the time of making the purchase, require the signature and right thumbprint of the seller on the purchase card maintained by the licensee. If the seller does not have a right thumb, any other existing finger may be used. However, a clear print must be obtained. A secondhand precious metal and gem dealer shall maintain the records required in this chapter for a period of one year.

(BC Ord. 2012-16, passed 4-9-12)

### **§ 111.06 REPORTING REQUIREMENTS.**

(A) A person or entity engaged in the business of secondhand precious metal and gem dealing shall report to the Sheriff's Department, by noon of the next business day, the following information:

(1) Name, address, date of birth, race, sex, and driver's license or state identification number of the person from whom the item is purchased;

(2) Date and time of the transaction;

(3) A full description of the item including brand name, model number, serial number, and engravings or markings.

(4) A separate report shall be made for each item purchased.

(B) The information required above shall be reported to the Sheriff's Department in a digital format provided by the Sheriff's Department. The items must be held at least five business days from the reporting date prior to offering the items for sale.

(C) The County Sheriff may, at any time, require the reporting to be done in an online format through a provider such as Leads Online. In the event the Sheriff elects to require reporting to be effected through Leads Online or other similar web-based service, all persons or entities engaged in the business of second hand precious metal and gem dealing shall comply immediately upon receipt of written notice of such a requirement.

(BC Ord. 2012-16, passed 4-9-12)

(B) In addition to any fine imposed, anyone or any entity found to have violated any provision of this chapter shall also be responsible for filing fees, court costs and any reasonable attorney fees incurred by the county in pursuing an ordinance violation cause under this chapter.

(C) The bond posted under § 110.04 may be ordered forfeited to the county by the court in which an action is brought for payment of any fines, costs or fees imposed by a court finding any violation of this chapter.

(BC Ord. 2012-16, passed 4-9-12)

#### **§ 111.07 RESALE OF ARTICLES PURCHASED.**

Secondhand precious metals and gems purchased by a secondhand precious metal dealer and gem dealer shall not be resold or removed from the place of business of the secondhand precious metal and gem dealer for a period of five days after a copy of the purchase report has been delivered to the office of the Sheriffs Department.

(BC Ord. 2012-16, passed 4-9-12)

#### **§ 111.99 PENALTY.**

(A) Anyone or any entity found to be in violation of any provision of this chapter may be punished by a fine not exceeding \$2,500 for each individual violation of this section.

